



## ACTON PLANNING BOARD

### Minutes of Meeting April 15, 2014 Acton Town Hall Room 204

Planning Board members attending: Mr. Jeff Clymer (Chair), Mr. Roland Bourdon, Mr. Ray Yacouby, Mr. Michael Dube, Mr. Derrick Chin and Mr. Rob Bukowski.  
Also present: Mr. Roland Bartl, Planning Director; Kristen Guichard, Assistant Planner

Mr. Clymer called the meeting to order at 7:30 PM.

#### **I. Citizens' Concerns** - None

#### **II. Consent Agenda – Draft Minutes of 04/01/14**

The minutes of the April 1, 2014 meeting were approved as amended.

#### **III. Reports**

**EDC** – The Committee met with the business owners of the Acton Woods Plaza to discuss applying for a business center sign; business owners expressed other frustrations.

**CPC** – Members did not meet since Town Meeting.

**KC Improvement Initiative** – At the last meeting, the consultants reviewed existing conditions information. The Committee will be hosting two events; a Public Workshop May 7<sup>th</sup> from 7:30-9:30pm and an Open House May 10<sup>th</sup> from 9am-11am. Planning Board members are encouraged to attend.

#### **IV. 5 Craig Road SBA Towers/AT&T Cell Tower Special Permit Application - Deliberation**

Sara Schnorr and Effie George of Edwards Wildman Palmer LLP, special counsel to the Planning Board and David Maxson of Isotrope, technical expert to the Planning Board were present.

Also present in the audience, Atty. Richard Sousa for the applicant.

Planning Board members asked Ms. Schnorr for her legal opinion on aspects of the Telecommunications Act, the zoning bylaw and case law as it may apply to the particular subject matter. Planning Board members asked Mr. Maxson to recall specific aspects of the transcript and past memos from the record.

Many aspects of the application and documents on record were reviewed and discussed with primary focus on the core question, whether or not the applicant has demonstrated with clear and convincing evidence that there exists a significant gap in telecommunication services that the proposed facility would close.

Board members noted page 48 of the April 1, 2014 transcript which lists specific items requested of the applicant to help prove a significant gap—the applicant had refused to provide this information.

*Roland Bourdon moved to deny the Personal Wireless Service Facility Special Permit at 5 Craig Road as the Applicant failed to prove a significant gap and information requested of the Applicant to prove a significant gap was not provided. The motion was seconded by Michael Dube and carried a vote of five in favor (Roland Bourdon, Michael Dube, Rob Bukowski, Jeff Clymer and Derrick Chin) and one abstention (Ray Yacouby).*

*Then, the Board voted unanimously to delegate the writing of the full decision to the Chairman, staff, legal counsel and technical advisor.*

#### V. Administrative Updates

A Complete Streets Policy is being drafted. The Health Director would like to attend an upcoming meeting to present the draft policy and ask for the Planning Board's support. Staff will send the draft policy and information about Complete Streets to Board members prior to the next meeting.

Chairman Clymer wishes to introduce the Board to the draft storm water bylaw one of the next meetings in preparation for a Fall Special Town Meeting vote on the matter.

Staff asked to discuss potential zoning amendments also in preparation of a Fall Town Meeting.

The meeting was adjourned at about 9:30 PM.

Respectfully Submitted,  
Kristen Guichard  
Assistant Town Planner

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